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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,)	Case No. 2:03-cr-0247-JAM-DAD P
)	
Respondent,)	<u>ORDER DENYING MOTION FOR</u>
)	<u>RECONSIDERATION</u>
v.)	
)	
MATEO ESTRADA)	
)	
Movant.)	
)	
)	
)	

Presently before the Court is Movant Mateo Estrada's ("Movant") Motion for Reconsideration (Doc. #135) of Magistrate Judge Drozd's Order (Doc. #134) denying Movant's motion to set aside a previous \$ 2255 judgment (Doc. #129).

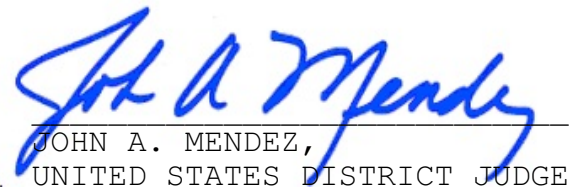
28 U.S.C. § 636(b) and E.D. Cal. Local Rule 303 govern the standard for a Motion for Reconsideration. The district court "may reconsider any pretrial matter . . . where it has been shown that the magistrate judge's order is clearly erroneous or contrary to law." 28 U.S.C. § 363(b)(1)(A); E.D. Cal. Local Rule 303(f). "[R]eview under the clearly erroneous standard is significantly deferential, requiring a definite and firm conviction that a

1 mistake has been committed." Sec. Farms v. Int'l Bhd. of
2 Teamsters, 124 F.3d 999, 1014 (9th Cir. 1997) (internal quotations
3 omitted). Under the contrary to law standard, "a District Court
4 may overturn a Magistrate Judge's conclusions of law which
5 contradict or ignore applicable precepts of law, as found in the
6 Constitution, statutes or case precedent." Enns Pontiac v. Flores,
7 No. 1:07-cv-01043-LJO-BAM, 2012 U.S. Dist. LEXIS 24263, at *13
8 (E.D. Cal. Feb. 27, 2012) (internal quotations omitted).

9 Upon review of the entire file, the Court finds that Judge
10 Drozd appropriately applied the factors from Ashford v. Steuart,
11 657 F.2d 1053, 1055 (9th Cir. 1981), and denied Movant's motion.
12 It is therefore apparent that Judge Drozd's Order is neither
13 clearly erroneous nor contrary to law.

14 Therefore, IT IS HEREBY ORDERED that, upon reconsideration,
15 the Order of the Magistrate Judge filed June 29, 2012, is affirmed.
16 Movant's Motion for Reconsideration is denied.

17 Dated: August 6, 2012

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19 JOHN A. MENDEZ,
20 UNITED STATES DISTRICT JUDGE
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